

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JAMES BENNETT,

Petitioner,

v.

RICHARD IVES, WARDEN,

Respondent.

No. 3:16-cv-00355-TC

ORDER

JONES, District Judge:

Magistrate Judge Thomas Coffin filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner did not file objections. Nonetheless, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

In this petition under 28 U.S.C. § 2241, petitioner contends the BOP wrongfully terminated him from a UNICOR job as a disciplinary sanction. I agree with the Findings and Recommendation that the habeas corpus petition relates to the conditions of petitioner's confinement and is properly construed as a civil rights complaint against federal officials pursuant to Bivens v. Six Unknown Federal Agents, 403 U.S. 388 (1971).


I also agree with the Findings and Recommendation that petitioner failed to state a claim for a constitutional violation because inmates have no due process interest in a UNICOR job. Baumann v. Arizona, 754 F.2d 841, 846 (9th Cir. 1985). In addition, petitioner did not exhaust administrative remedies with respect to his claims as required by the Prison Litigation Reform Act, 42 U.S.C. § 1997(a)(e); 18 U.S.C. § 3626(g)(2); Porter v. Nussle, 534 U.S. 516, 524-525 (2002). I adopt the Findings and Recommendation.

CONCLUSION

Magistrate Judge Coffin's Findings and Recommendation (#8) is adopted. The petition (#1) is dismissed.

IT IS SO ORDERED.

DATED this 4th day of January, 2017.



ROBERT E. JONES
U.S. DISTRICT JUDGE